

West's Annotated Code of Maryland  
Family Law (Refs & Annos)  
Title 2. Marriage (Refs & Annos)  
Subtitle 4. Licensing and Performance (Refs & Annos)

MD Code, Family Law, § 2-405

§ 2-405. Issuance of license

Currentness

**Clerk to issue license**

(a) The clerk for the county in which a marriage ceremony is to be performed may issue and deliver a license at the time the application is made.

**When and where issued**

(b) A license may be issued only at the office of the clerk during regular office hours.

**Receipt of consent, oath, and certificate; contents of record; sealing certificate**

(c)(1) If either party to be married is known to be of an age where the parental or guardian's consent and oath, or the licensed physician's certificate, required by § 2-301 of this title, is required, the clerk shall obtain the consent and oath or the certificate before issuing the license.

(2)(i) The clerk's record required under this title shall include:

1. the consent and oath required by § 2-301 of this title, if written; or
2. the fact that consent was given and an oath was made, if given and made in person.

(ii) The licensed physician's certificate required by § 2-301 of this title may not be made a part of the clerk's record.

(3) After an individual has been issued a license in accordance with the provisions of this subtitle, the clerk who issued the license shall seal the licensed physician's certificate. Except on order of the court, the licensed physician's certificate shall remain sealed.

**Waiting period; waiver**

(d)(1) Except as provided in paragraph (2) of this subsection, a license is not effective until 6 a.m. on the second calendar day after the license is issued.

(2) For good cause shown, a judge of the circuit court for the county in which the application is made may sign an authorization for a license to become effective at a time before the waiting period expires, as stated in the authorization, if 1 of the parties to be married is:

(i) a resident of this State; or

(ii) a member of the United States armed forces.

**Clerk to withhold license**

(e) If, during the questioning of an applicant for a license, the clerk finds that there is a legal reason why the applicants should not be married, the clerk shall withhold the license unless ordered by the court to issue the license.

**To whom license may be mailed or delivered**

(f) A license may be delivered personally or by mail to:

(1) either of the parties to be married; or

(2) any person authorized in writing by either of the parties to accept delivery.

**Birth control information and lists of family clinics**

(g)(1) The Department of Health and Mental Hygiene shall provide to each clerk:

(i) birth control information; and

(ii) a list of the family planning clinics located in the county where the license is issued.

(2) When the clerk issues a license, the clerk shall make the information and list available to each applicant for a license.

**Prohibitions and penalties**

(h)(1) A clerk may not predate an application for a license.

(2) A clerk who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject:

(i) for a first offense, to a fine not exceeding \$100; and

(ii) for each subsequent offense, to a fine not exceeding \$500 or imprisonment not exceeding 90 days or both.

**Credits**

Added by Acts 1984, c. 296, § 2, eff. Oct. 1, 1984. Amended by Acts 1985, c. 478, § 1, eff. July 1, 1985; [Acts 1999, c. 336, § 2, eff. Oct. 1, 1999](#).

**Formerly** Art. 62, §§ 6, 7, 7A, 7B, 9, 10, 12.

MD Code, Family Law, § 2-405, MD FAMILY § 2-405

Current through the 2015 Regular Session of the General Assembly

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